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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/699,094 | 10/31/2003 | Wolfgang Niehoff | GK-EIS-1072 / 500593.2006 | 2670 |

26418 7590 03/30/2007
REED SMITH, LLP
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NEW YORK, NY 10022-7650

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| EXAMINER |
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TRAN, CON P

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| ART UNIT | PAPER NUMBER |
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2615

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
|--|------------|---------------|
| 3 MONTHS | 03/30/2007 | PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/699,094

Applicant(s)

NIEHOFF ET AL.

Examiner

Con P. Tran

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>6/28/04, 7/22/05</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Acknowledgment is made of Applicants' claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. GERMANY 102 51 209.4, filed on October 31, 2002.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
3. Regarding claim 13, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention.

See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. **Claims 9-10, 12, 14-16** are rejected under 35 U.S.C. 102(e) as being anticipated by Oh et al. U.S. Patent Publication 2003/0018479 (hereinafter, "Oh").

Regarding **claim 9**, Oh teaches a microphone system, such as a wireless microphone system (10, Fig. 1; 60, Fig. 2; see Figs. 1, 2, and respective portions of the specification), comprising:

speech signals (user's speech, 0040] transmitted by the microphone system (60, Fig. 2; [0033]);

and a speech recognition system (56) which is able to analyze speech signals said microphone system (60) at least to some extent in accordance with terms, words or contents ["volume up" 0040];

terms, words or contents ("volume up", mute on") recognized by said speech recognition system used to perform a control function of the microphone system and/or of the transmission behavior of an electroacoustic system (speaker 31, Fig. 2) connected to the microphone system [0040].

Regarding **claim 10**, Oh teaches a microphone system according to Claim 9, wherein the speech recognition system is constructed in the microphone receiver of a wireless microphone system which consists of a microphone transmitter (60, see Fig. 2, [0033]) and a microphone receiver (50, Fig. 2, [0031]; [0006]).

Regarding **claim 12**, Oh teaches a microphone system according to Claim 9, wherein the speech recognition system (9, Fig. 1) is contained as an independent unit device connected between the microphone and receiver output and wherein said device relays the recognized commands by standardized control information to following devices to influence the electroacoustic transmission properties [0006].

Regarding **claim 14**, Oh further teaches the speech recognition system is only activated by a special command and/or an additional electric or acoustic signal (watermark information, [0038, 0039]).

Regarding **claim 15**, Oh further teaches wherein the microphone is provided with a device by which a signal for activating the speech recognition system can be triggered [0011].

Regarding **claim 16**, Oh further teaches wherein the triggering device is disposed concealed in the microphone or its transmitting or receiving device so that unintentional triggering is impossible during the normal operating process (watermark information, [0038, 0039])

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 11 and 13** are rejected under 35 U.S.C. 103(a) as being unpatentable over Oh et al. U.S. Patent Publication 2003/0018479 (hereinafter, "Oh") in view of Ludwig U.S. Patent 6,689,948.

Regarding **claim 11**, Oh teaches a protection arrangement for a line circuit a protection arrangement of claim 9. However, Oh does not explicitly disclose wherein the speech recognition system is integrated in a mixing console.

Ludwig teaches a speech recognition system is integrated in a mixing console (trigger special effect event, col. 32, lines 45-62; mixing function, col. 62, line 55 – col. 63, line 11).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the speech recognition system taught by Ludwig with the microphone system of Oh wherein the speech recognition system is integrated in a mixing console as claimed for purpose of providing real-time control signal as suggested by Ludwig in column 62, lines 53-54.

Regarding **claim 13**, Ludwig as modified further teaches wherein the speech recognition system can also use the recognised commands to control other electroacoustic transmission properties (trigger lighting special effect event, col. 32,

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lines 45-62; mixing function, col. 62, line 55 – col. 63, line 11) inside a theater or opera house (col. 4, lines 1-3).


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Con P. Tran whose telephone number is (571) 272-7532. The examiner can normally be reached on M - F (8:30 AM - 5:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Vivian C. Chin can be reached on (571) 272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

cpt *CPJ*
March 19, 2007


VIVIAN CHIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600